

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL P. TRICASO, D.O.,

Defendant.

) CASE NO.:

)

)

)

)

)

)

)

)

)

5 : 18 CV 1891

TEMPORARY RESTRAINING ORDER

FILED TEMPORARILY UNDER SEAL

This matter comes before the Court upon Plaintiff's *Ex Parte* Motion for a Temporary Restraining Order ("*Ex Parte* Motion"). Upon consideration of the *Ex Parte* Motion pursuant to Federal Rule of Civil Procedure 65(b), 21 U.S.C. §§ 843(f) and 882(a), the Memorandum of Law in Support, the Affidavit in Support, and the Complaint, the Court finds that:

1. The United States has demonstrated that Defendant Michael P. Tricaso, D.O., ("Dr. Tricaso") violated the Controlled Substances Act ("CSA"), 21 U.S.C. §§ 829, 841(a)(1) and 842(a)(1);
2. The United States also has demonstrated that advance notice to Dr. Tricaso will result in immediate and irreparable injury, loss, or damage, namely: (a) harm to Dr. Tricaso's patients and the community from Dr. Tricaso's continued distributing and dispensing of

controlled substances; (b) harm to Dr. Tricaso's patients and the community from Dr. Tricaso's continued issuance of unlawful prescriptions; and (c) the destruction of evidence, including patient files and communications, related to Dr. Tricaso's CSA violations;

3. Injunctive relief to prevent further CSA violations by Dr. Tricaso and to protect the public is authorized by 21 U.S.C. §§ 843(f) and 882(a).

4. Dr. Tricaso's CSA violations will continue unless a temporary restraining order is issued.

5. The conditions for granting a temporary restraining order under Federal Rule of Civil Procedure 65(b) and 21 U.S.C. §§ 843(f) and 882(a) are therefore met;

Based on the foregoing, it is therefore

ORDERED AND ADJUDGED as follows:


A. The Motion is **GRANTED** without prior notice to Dr. Tricaso.

B. Dr. Tricaso is temporarily restrained from distributing or dispensing, including by prescribing, any controlled substance.

C. Dr. Tricaso is temporarily restrained from prescribing any and all controlled substances.

D. Dr. Tricaso is temporarily restrained from altering, deleting, destroying, mutilating, or transferring any record within his possession, custody or control related to: (1) the issuance of any prescription for a controlled substance; or (2) the treatment of a patient with a controlled substance.

Dated: August 17, 2018



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE